



1 application of defendant Gerald Armstrong to file an oversize  
2 brief in opposition to the Order to Show Cause Re Contempt.

3 2. On Tuesday, March 23rd 1993, I spoke with Ford Greene,  
4 counsel for defendant Armstrong. Mr. Greene asked me if  
5 plaintiff would stipulate to defendant being allowed to file an  
6 oversized brief in opposition to the Order to Show Cause Re  
7 Contempt or else defendant would appear, ex parte, to request  
8 leave to file a memorandum of more than 15 pages. I told him  
9 that I would so stipulate if defendant Armstrong would agree that  
10 the Church of Scientology International could have extra pages in  
11 its reply if necessary to respond fully to defendant's oversize  
12 paper. Later that day Mr. Greene called me back and informed me  
13 that he was withdrawing his notice of an ex parte hearing and  
14 that it would not be necessary to agree on a stipulation. He  
15 explained that he intended to operate on the basis of a criminal  
16 code statute which he asserted enabled him to file a paper in  
17 this context without limitation as to its size.

18 3. Later on Tuesday afternoon, Mr. Greene telefaxed to the  
19 Office of Bowles & Moxon Defendant Armstrong's Memorandum in  
20 Opposition to Order to Show Cause Re Contempt. It is 43 pages  
21 long. On Wednesday afternoon, I was informed by my co-counsel,  
22 Andrew H. Wilson, in San Francisco, that Mr. Greene had given  
23 notice of defendant Armstrong's intention to appear before this  
24 Court, ex parte, to seek leave to file an oversize Opposition. By  
25 Wednesday evening, February 24, 1993, defendant's counsel had not  
26 sent a copy of his ex parte request to plaintiff's counsel.

27 4. Having had the opportunity to review defendant  
28 Armstrong's Opposition, plaintiff now opposes a grant of leave to

1 file an opposition memorandum beyond the proper 15 page  
2 limitation. The basis for this is that defendant's Opposition  
3 demonstrates, in several ways, the lack of any valid ground for  
4 the granting of such a special request.

5 5. First of all, defendant Armstrong does not even address  
6 the issues raised in plaintiff's Application for an Order to Show  
7 Cause. Plaintiff has enumerated a series of clear-cut violations  
8 of the Court's Preliminary Injunction order of May 28, 1992. It  
9 is only in the last few pages of his 43 page Opposition that  
10 plaintiff addresses any of these violations. Rather his  
11 Opposition is almost wholly directed to the here-irrelevant  
12 argument as to whether the preliminary injunction order entered  
13 against him is valid order. The fact is that on May 28th, the  
14 Honorable Judge Sohigian issued a Preliminary Injunction  
15 directing that Mr. Armstrong adhere to certain, specified orders  
16 and restraints which, plaintiffs content, he has not done.  
17 Defendant's arguments are simply not germane to the issues before  
18 this Court now and it is inappropriate to grant defendant extra  
19 pages to make irrelevant arguments.

20 6. Finally, defendant's paper is replete with gratuitous  
21 attacks upon the Church of Scientology, L. Ron Hubbard, the  
22 founder of the Scientology religion, and allegations of improper  
23 conduct -- all irrelevant to the issues before this Court (as  
24 well as false). It is precisely this sort of language which the  
25 Honorable Judge David Horowitz disapproved of on September 17,  
26 1992. At that time he struck defendant's cross-complaint,  
27 finding it to "contain a myriad of long rambling statements which  
28 are conclusionary, evidentiary, irrelevant, improper and

1 unnecessarily inflammatory." [Notice of Ruling attached as  
2 Exhibit A.] It is inappropriate to grant defendant additional  
3 pages when they are used in such a manner.

4 I declare under penalty of perjury of the United States and  
5 of the State of California that the foregoing is true and  
6 correct.

7 Executed this 25th day of February, 1993, at Los Angeles,  
8 California.

9 Dated: February 25, 1993

\_\_\_\_\_  
KAREN D. HOLLY

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**ORIGINAL FILED**

SEP. 17 1992

**LOS ANGELES  
SUPERIOR COURT**

1 Andrew H. Wilson  
WILSON, RYAN & CAMPILONGO  
2 235 Montgomery Street  
Suite 450  
3 San Francisco, California 94104  
(415) 391-3900

4 Laurie J. Bartilson  
5 BOWLES & MOXON  
6255 Sunset Boulevard  
6 Suite 2000  
7 Hollywood, California 90028  
(213) 661-4030

8 Attorneys for Plaintiff  
CHURCH OF SCIENTOLOGY INTERNATIONAL  
9

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
11 FOR THE COUNTY OF LOS ANGELES

12 CHURCH OF SCIENTOLOGY )	Case No. BC 052395
INTERNATIONAL, a California )	
13 not-for-profit religious )	NOTICE OF RULING
corporation; )	
14 )	
Plaintiff, )	
15 )	
vs. )	
16 )	
GERALD ARMSTRONG; DOES 1 )	DEPT: 30
17 through 25, inclusive, )	
)	NO DISCOVERY CUT-OFF
18 )	NO MOTION CUT-OFF
Defendants. )	NO TRIAL DATE
19 )	

20 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

21 PLEASE TAKE NOTICE that on September 17, 1992, the  
22 Honorable David Horowitz, Judge of the Los Angeles Superior  
23 Court, entered an Order granting plaintiff's motion to strike the  
24 answer and cross-complaint filed by defendants herein. The Court  
25 found that defendants' answer and cross-complaint "contain a  
26 myriad of long rambling statements which are conclusionary,  
27 evidentiary, irrelevant, improper and unnecessarily inflammatory.  
28


1 There is no need for such pleading. Those statements should be  
2 deleted from the pleadings of this case."

3 The Court ordered both pleadings stricken, with leave to  
4 file amended pleadings in twenty (20) days. The Court further  
5 held that, "The amended pleading should state only 'ultimate  
6 facts' which provide the basis for the cause of action stated or  
7 affirmative defense. The pleadings should not contain the  
8 evidence upon which defendant hopes to prevail or which he  
9 intends to produce at trial. The pleadings should not contain  
10 emotional 'final arguments' or conclusionary matters."

11 Finally, pursuant to Civil Code §425.15, the Court ordered  
12 stricken defendants' prayer for punitive damages.

13 DATED: September 17, 1992 Respectfully submitted,

14 Andrew H. Wilson  
15 WILSON, RYAN & CAMPILONGO  
16 BOWLES & MOXON

17  
18 By:   
Laurie J. Bartilson  
19 Attorneys for Plaintiff  
20 CHURCH OF SCIENTOLOGY  
INTERNATIONAL

PROOF OF SERVICE

STATE OF CALIFORNIA            )  
  )    ss.  
COUNTY OF LOS ANGELES        )

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen (18) years and not a party to the within action. My business address is 6255 Sunset Blvd., Suite 2000, Hollywood, CA 90028.

On September 17, 1992, I served the foregoing document described as NOTICE OF RULING on interested parties in this action as follows:

[ ] by placing the true copies thereof in sealed envelopes as stated on the attached mailing list;

[X] by placing [ ] the original [X] a true copy thereof in a sealed envelope addressed as follows:

Paul Morantz   BY TELEFAX AND U.S. MAIL  
P.O. Box 511  
Pacific Palisades, CA 90272

Ford Greene    BY TELEFAX AND U.S. MAIL  
Hub Law Offices  
711 Sir Francis Drake Boulevard  
San Anselmo, CA 9490-1949

[x] BY MAIL

[ ] \*I deposited such envelope in the mail at Los Angeles, California. The envelope was mailed with postage thereon fully prepaid.

[x] As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing an affidavit.



Executed on September 17, 1992 at Los Angeles, California.

[ ] **\*\* (BY PERSONAL SERVICE)** I delivered such envelopes by hand to the offices of the addressee.

Executed on \_\_\_\_\_, at Los Angeles, California.

[X] (State) I declare under penalty of the laws of the State of California that the above is true and correct.

[ ] (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

\_\_\_\_\_  
Signature

\* (By Mail, signature must be of person depositing envelope in mail slot, box or bag)

\*\* (For personal service signature must be that of messenger)

PROOF OF SERVICE

STATE OF CALIFORNIA     )  
                                  )   ss.  
COUNTY OF LOS ANGELES   )

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen (18) years and not a party to the within action. My business address is 6255 Sunset Blvd., Suite 2000, Hollywood, California 90028.

On February 25, 1993, I served the foregoing document described as DECLARATION OF KAREN D. HOLLY IN OPPOSITION TO EX PARTE APPLICATION FOR LEAVE TO FILE OVERSIZE BRIEF on interested parties in this action by

[ ] by placing the true copies thereof in sealed envelopes as stated on the attached mailing list;

[X] by placing [ ] the original [X] a true copy thereof in sealed envelopes addressed as follows:

Paul Morantz  
P.O. Box 511  
Pacific Palisades, CA     90272

[ ] BY MAIL

[ ] \*I deposited such envelope in the mail at Los Angeles, California. The envelope was mailed with postage thereon fully prepaid.

[X] As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

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(State) I declare under penalty of the laws of the State of California that the above is true and correct.

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---

Type or Print Name

---

Signature

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STATE OF CALIFORNIA        )  
                                  )    ss.  
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[X] by placing [ ] the original [X] a true copy thereof in sealed envelopes addressed as follows:

Ford Greene                **BY U.S. MAIL**  
HUB Law Offices  
711 Sir Francis Drake Boulevard  
San Anselmo, CA 9490-1949

[X] BY MAIL

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